Study in relation to options for new initiatives regarding dismantling of ships

List of Relevant Documentation
RELEVANT DOCUMENTATION ON SHIP RECYCLING AND THE SHIP RECYCLING CONVENTION

International Maritime Organisation (IMO)


IMO, 2005, Resolution A. 981(24), New legally binding instruments on ship recycling

Guidelines

Existing guidelines

IMO, 2003, Resolution A. 962(23), Guidelines on Ship Recycling International Maritime Organisation (IMO)

IMO, 2004, Guidelines for the Development of the Ship Recycling Plan (MEPC/Circ.419)

IMO, 2005, Resolution A.980(24), Amendments to the IMO Guidelines on Ship Recycling


IMO, 2005, Promotion of the Implementation of the IMO Guidelines on Ship Recycling (MEPC/Circ.467)

IMO, 2009, Guidelines for the development of the Inventory of Hazardous Materials

Guidelines under development

Guidelines for safe and environmentally sound ship recycling

Guidelines for the development of the Ship Recycling Plan

Guidelines for the authorization of Ship Recycling Facilities

Guidelines for survey and certification

Guidelines for inspection of ships

Basel Convention


Comments received from Parties pursuant to the decision taken by the ninth meeting of the Conference of the Parties on the Dismantling of Ships:
European Union: "Submission by the European Community and its Member States related to
decision IX/30 on Dismantling of Ships"

Canada: Submission by Canada regarding Basel Convention Conference of the Parties
Decision IX/30 on the Dismantling of Ships

NGO platform on shipbreaking, ‘Determining ‘Equivalent Level of Control’ as established
under the Basel Convention: Elements for Consideration of the Draft IMO Convention on the
Safe and Environmentally Sound Recycling of Ships’, 31 January 2009

US: “U.S. Suggested Criteria on Equivalent Level of Control: Ship Recycling Convention and
Basel Convention”

Decisions of meetings of the Parties to the Basel Convention on ship dismantling:

Decision V/28: Dismantling of ships

Decision VI/24: Technical Guidelines for the Environmentally Sound Management of the Full
and Partial Dismantling of Ships

Decision VII/25: Joint Working Group of the International Labour Organization, the
International Maritime Organization and the Basel Convention on Ship Scrapping

Decision VII/26: Environmentally sound management of ship dismantling

Decision VII/27: Abandonment of ships

Decision VIII/11: Environmentally sound management of ship dismantling

Decision VIII/12: Joint Working Group of the International Labour Organization, the
International Maritime Organization and the Basel Convention on Ship Scrapping

Decision VIII/13: Abandonment of ships on land or in ports

Decision IX/30: Dismantling of ships

Decision OEWG-II/4: Legal aspects of the full and partial dismantling of ships

Decision OEWG-III/3: Legal aspects of the full and partial dismantling of ships

Decision OEWG-IV/5: Environmentally sound management of ship dismantling

Decision OEWG-IV/6: Abandonment of ships

Decision OEWG-V/7: Abandonment of ships

Decision OEWG-V/8: Environmentally sound management of ship dismantling
International Labour Organization (ILO)

ILO Conventions and Recommendations

Forced Labour Convention, 1930 (No. 29)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951

Abolition of Forced Labour Convention, 1957 (No. 105)

Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958

Guarding Machinery Convention (No. 119) and Recommendation (No. 118), 1963

Maximum Weight Convention (No. 127) and Recommendation (No. 128), 1967

Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973

Occupational Cancer Convention (No. 139) and Recommendation (No. 147), 1974

Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977

Occupational Safety and Health (Dock Work) Convention (No. 152) and Recommendation (No. 160), 1979

Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981

Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985

Asbestos Convention (No. 162) and Recommendation (No. 172), 1986

Chemicals Convention (No. 170) and Recommendation (No. 177), 1990

Prevention of Major Industrial Accidents Convention (No. 174) and Recommendation (No. 181), 1993

Worst Forms of Child Labour Convention (No. 182) and Recommendation (No. 190), 1999


Codes of Practice on occupational safety and health relevant to ship dismantling

Safety and health in ship building and ship repairing, 1974

Protection of workers against noise and vibration in the working environment, 1977
Occupational exposure to airborne substances harmful to health, 1980
Occupational safety and health in the iron and steel industry, 1983

Safety in the use of asbestos, 1984

Technical and ethical guidelines for workers’ health surveillance, 1992

Safety in the use of chemicals at work, 1993

Recording and notification of occupational accidents and diseases, 1995

Ambient factors in the workplace, 2001

Guidelines on occupational safety and health management systems, 2001

ILO, ‘Safety and Health in Ship Breaking – Guidelines for Asian Countries and Turkey’

**Other international conventions, guidelines and initiatives**


Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention)

Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992 (OSPAR Convention)

Convention on the Protection of the Black Sea against Pollution, 1992 (Bucharest Convention)

Convention for the Protection of the Mediterranean Sea Against Pollution, 1976 (Barcelona Convention)

International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971

International Convention on Civil Liability for Oil Pollution Damage, 1969


UNCTAD Secretariat

Annual Review of Maritime Transport, 2008
(http://www.unctad.org/Templates/Meeting.asp?intItemID=2068&m=16503&info=&lang=2)

EU strategies, policy documents, studies, research projects, etc


Green Paper on better ship dismantling (presented by the Commission), 22 May 2007, COM(2007) 269 final


European Parliament resolution of 21 May 2008 on the Green Paper on better ship dismantling

European Parliament resolution of 28 January 2009 on an EU strategy for better ship dismantling

European Parliament, Committee on the Environment, Public Health and Food Safety, Amendments 1-17 (Draft motion for a resolution), EU strategy for better ship dismantling

Communication of 21 January 2009 from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the regions on Strategic goals and recommendations for the EU’s maritime transport policy until 2018 COM(2009) 8 final

Commission Communication on the submission of individual notifications on the application of regional investment aid schemes in the shipbuilding sector and on the proposal for appropriate measures pursuant to Article 88 paragraph 1 of the EC Treaty, Official Journal C 263, 01.11.2003, p. 2

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: LeaderSHIP 2015 - Defining the future of the European Shipbuilding and Repair Industry - Competitiveness through Excellence, 21 November 2003, COM(2003) 717 final


Communication from the Commission concerning the prolongation of the Framework on State aid to shipbuilding, 3 July 2008, Official Journal C 173 of 8.7.2008, p. 3


SHIPDISMANTL (DG Research FP6), ‘Cost-effective and environmentally sound dismantling of obsolete vessels’

SHIPMATES (DG Research FP6), ‘Shiprepair to maintain transport which is environmentally sustainable’

DIVEST (DG Research FP7), ‘Dismantling of Vessels with Enhanced Safety and Technology’

**EC legal instruments**

**Waste**


Commission Regulation (EC) No 740/2008 of 29 July 2008 amending Regulation (EC) No 1418/2007 as regards the procedures to be followed for export of waste to certain countries


Council Decision 97/640/EC of 22 September 1997 on the approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties

**Chemicals**


**Maritime**


Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships


Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control). The Directive was amended by:


To use the consolidated version of the port State control Directive plus a reference to the new Directive (recast) to be adopted in March 2009 following conciliation in December 2008: Directive of the EP and Council on Port State Control (recast)


To use the consolidated version of Directive instead plus a reference to the new Directive (recast) to be adopted in March 2009 following conciliation in December 2008


Directive 2002/84/EC amending the Directives on maritime safety and the prevention of pollution for ships

**Occupational Health and Safety**


Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

Directive 89/654/EEC on minimum safety and health requirements for the workplace


Directive 89/656/EEC on minimum safety and health requirements for the use by workers of personal protective equipment at the workplace

Directive 90/269/EEC on minimum safety and health requirements for the manual handling of loads where there is a risk particularly of back injury to workers


Directive 92/57/EEC on minimum safety and health requirements at temporary or mobile construction sites

Directive 92/58/EEC on minimum requirements for the provision of safety and/or health signs at work

Directive 98/24/EC on protection of the health and safety of workers form the risks related to chemical agents at work


Directive 1999/92/EC on minimum requirements for improving safety and health protection of workers potentially at risk from explosive atmosphere

Directive 2000/54/EC on protection of workers form risks related to exposure to biological agents at work
Directive 2002/44/EC on minimum health and safety requirements regarding the exposure of workers potentially at risk from physical agents (vibration)

Directive 2003/10/EC on minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise)

Directive 2004/37/EC on protection of workers from the risks related to exposure to carcinogens or mutagens at work


**IPPC**


**National ship recycling strategies and reports**

**United Kingdom**


**France**


**Canada**

SENES Report, Environmentally Sound Management (ESM) guidelines for ship dismantling industry in Canada

**United States**

Maritime Administration, Ship Disposal Programme http://www.marad.dot.gov/ships_shipping_landing_page/ship_disposal_program/Ship_Disposal_Program.htm

**Case-law**

**France**

India


Indian Supreme Court on general requirements for ship recycling facilities in India, 6 September 2007 (http://ec.europa.eu/environment/waste/ships/pdf/indian_order2007.pdf)

Netherlands


Netherlands, High Court of Justice, Upperton Ltd. of Mauritius v. The Minister of Housing, Spatial Planning and the Environment (Sandrien), 19 June 2002 (http://www.basel.int/ships/netherlands190602e.doc)

Turkey

Izmir 2nd Administrative Court, Cemsan Ship Dismantling Metal and Steel Industry Trade Limited Company v. Ministry of Environment; Governorship of Izmir; Sub-Provincial Governorship Aliaga, “The Sea Beirut”, 30 September 2003 (Unofficial translation) (http://www.basel.int/ships/Turkey300903e.pdf)

United Kingdom

England and Wales High Court of Justice, Queens Bench Division, the Administrative Court, Jean Kennedy v. Health and Safety Executive (Abel UK Limited), 29 September 2008 (http://www.basel.int/ships/caselaw/kennedy%20v%20Abel%20UK%202.rtf)

Voluntary action by industry


International Chamber of Shipping, Industry Code of Practice on Ship Recycling, 2001

International Ship Recycling Association (I.S.R.A.) founded with the aim to promote sustainable ship recycling and create a level playing field for operators worldwide, October 2007.

Standard contract for the sale of vessels for recycling:
http://www.bimco.org/Corporate%20Area/Documents/Document_samples/Sundry_Other_Forms/DEMOLISHCON.aspx

Other studies, publications and information sources


Environment, Food and Rural Affairs Committee (UK), ‘Dismantling defunct ships in the UK, 11 November 2004: http://www.publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/834/83402.htm


International Chamber of Shipping (ICS), ‘Industry code of practice on ship recycling’: http://www.marisec.org/recycling/


Occupational Safety and Health Administration (OSHA) (USA), ‘OSHA fact Sheet on shipbreaking’, US Department of Labor - Occupational Safety and Health Administration, 2001:


http://www.ban.org/Library/greenpeace-ban-iii-3e.pdf

http://www.greenpeaceweb.org/shipbreak/documents.asp

http://www.basel.int/meetings/oewg/oewg4/documents/i20e.pdf

http://www.alangtoday.com

http://www.imoconf2009.hk

http://www.ilo.org/safework/shipbreaking
http://marisec.org/recycling

http://www.shipbreakingplatform.org/

http://www.shipbreaking.net